



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **June 18, 2020** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **June 17, 2020**.

BACKGROUND/OVERVIEW:

Section 87105 requires a public official holding an office identified in Section 87200 to publicly identify a financial interest that gives rise to a conflict, or potential conflict, of interest under Section 87100 and immediately prior to the consideration of the matter do three things:

- (1) publicly identify the financial interest in detail
- (2) recuse himself or herself from discussing and voting on the matter
- (3) leave the room until after the matter is concluded.

Regulation 18707, subdivision (a)(3)(B) provides an exception to the public identification duties where an official is “absent” from the meeting.

Concerned citizens recently brought to the Commission’s attention that an elected public official in their county attended a public meeting in which they understood the official to have a financial interest in an item on the agenda. The public official reportedly left the meeting prior to the particular agenda item, and then returned to the meeting after the item was completed, with no disclosure as to his financial interest. The Commission directed staff to review Regulation 18707 and propose amendments which will avoid such circumventions of the disclosure requirements.

REGULATORY ACTION: Repeal and Adopt 2 Cal. Code Regs. Section 18707

Commission staff proposes non-substantive clean-up amendments to Regulation 18707, resulting in its repeal and adoption, and a substantive clarification that Section 87200 public

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

officials who have a financial interest in a decision on a meeting agenda may not avoid the public identification requirements in Section 87105 by a partial absence from the meeting.

Staff proposes addressing the avoidance issue by clarifying the timing for public identification of a financial interest in a meeting, as follows:

(a) (2) Timing. Public identification of the financial interest must be made immediately prior to consideration of the agenda item. Partial absence from a meeting does not excuse the official's public identification requirement. If an official leaves a meeting in advance of the agenda item in which the official is disqualified, the official must publicly identify the agenda item and the financial interest prior to leaving the meeting. An official first joining a meeting after the consideration of an agency item in which the official is disqualified must publicly identify the agenda item and the financial interest immediately upon joining the meeting.

SCOPE: The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issue identified above or any related issue.

FISCAL IMPACT STATEMENT:

<u>Fiscal Impact on Local Government.</u>	None.
<u>Fiscal Impact on State Government.</u>	None.
<u>Fiscal Impact on Federal Funding of State Programs.</u>	None.

AUTHORITY: Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

REFERENCE: 87100, 87101, 87105, and 87200.

CONTACT: Any inquiries should be made to L. Karen Harrison, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.